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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14 vs.
15 ISAIAH OUTLAW,
16 Defendant.

2:10-cr-00455-PMP-LRL

MOTION AND ORDER TO EXTEND
MAY 3, 2012 SELF SURRENDER DATE

17 COMES NOW the Defendant, ISAIAH OUTLAW, by and through his counsel,
18 Raquel Lazo, Assistant Federal Public Defender, and hereby requests an extension to his May 3,
19 2012 self surrender date of one hundred and twenty (120) days. This request is based upon the
20 attached Points and Authority and all pleadings and papers previously filed herein.

21 DATED this the 23rd day of April, 2012.

22 RENE L. VALLADARES
Federal Public Defender

23 /s/ Raquel Lazo
24 By _____
25 RAQUEL LAZO
Assistant Federal Public Defender
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POINTS AND AUTHORITIES

On November 28, 2011, Mr. Outlaw filed a Motion to extend his January 4, 2012 Self Surrender Date (#61) so that defense counsel could have additional time to obtain updated medical records to provide to the Marshals and the BOP. This court granted the Motion and extended the self-surrender date to March 4, 2012. On February 14, 2012, Mr. Outlaw filed a Motion to extend his March 4, 2012 Self Surrender Date (#63). Although defense counsel was able to secure all of Mr. Outlaw's medical records, the purpose of this second request was to ensure that the BOP had received and reviewed all of Mr. Outlaw's medical records. This court granted the Motion and extended the self-surrender date to May 3, 2012.

Since then, undersigned counsel has been in contact with the BOP regarding whether the BOP has the capability to provide the necessary care and chemotherapy to Mr. Outlaw. Dr. James Pelton, the BOP physician tasked with reviewing Mr. Outlaw's medical records, opines that because Mr. Outlaw's radiation therapy has concluded, the BOP can in fact care for Mr. Outlaw. *See* Douglas W. Curless Letter dated April 2, 2012 (attached hereto as "Exhibit A"),

On April 3, 2012, one day after receipt of Mr. Curless' letter, Mr. Outlaw had a post-radiation MRI of his brain. Undersigned received the results on April 5, 2012. The MRI shows evidence of a progressive disease. According to Dr. Portnow, Mr. Outlaw's treating physician at the City of Hope, his tumor is "behaving aggressively, recurring only 3 months after finishing radiation." *See* Dr. Portnow's Letter dated April 18, 2012 (attached hereto as "Exhibit B"). Additional tests have been conducted since the MRI. These tests will help determine Mr. Outlaw's treatment plan. He is currently being screened for a clinical trial. If he is not eligible for this trial, then he will undergo intravenously administered chemotherapy. *Id.*

On April 18, 2012, undersigned counsel contacted Dr. Pelton and Mr. Curless via electronic correspondence to advise of the newest developments. After reviewing Dr. Portnow's most recent letter, Dr. Pelton has advised that the BOP would not be able to take Mr. Outlaw if he were placed in a clinical trial. *See* Electronic Correspondence (attached hereto as "Exhibit C"). The BOP does not have the resources to maintain the clinical trial if he is in their custody. *Id.* If he is not admitted to the trial, then BOP could take him for service of sentence and administer the

1 chemotherapy described in Dr. Portnow's letter. *Id.* The BOP prefers that Mr. Outlaw surrender
2 between chemotherapy cycles. *Id.*

3 Defense counsel moves for an extension of Mr. Outlaw's surrender date. First,
4 additional time is needed to permit Dr. Portnow to assess what Mr. Outlaw's best course of treatment
5 is. Dr. Portnow anticipates that she will know upon receiving test results in the next week or so.
6 The treatment plan is critical in determining whether the BOP can ultimately accept Mr. Outlaw.
7 If it turns out that the treatment plan can be maintained by the BOP, then it will be necessary to
8 coordinate a surrender date in between chemotherapy cycles. Secondly, Mr. Outlaw has been
9 diagnosed with glioblastoma, an extremely rare tumor accounting for less than 2% of all cancer
10 diagnosis in the United States. *See* Dr. Portnow Letter dated February 15, 2012 (attached hereto as
11 "Exhibit D"). "Because of the multitude of complex issues that may arise during treatment, patients
12 with glioblastoma are best managed at a brain tumor center." *Id.* Finally, in speaking with Dr.
13 Portnow, she believes that Mr. Outlaw's life expectancy is now 6 months. Mr. Outlaw's mother, the
14 individual who has been by Mr. Outlaw's side since this court released him under pretrial services
15 supervision, advises that her son has rapidly declined in health in the last month (is eating less
16 frequently, has lost approximately 30 pounds in less than one month, is having more memory issues,
17 is not as mobile as he had been, etc) . Unfortunately, given his bleak prognosis, there is a chance that
18 Mr. Outlaw will not even survive a self-surrender date.

19 In the event that this court is not inclined to grant the 120 days requested, at the very
20 least, Mr. Outlaw requests sufficient time to make travel arrangements for him and his mother to
21 travel to Butner, North Carolina (Mr. Outlaw's designated BOP facility).

22 Mr. Outlaw continues to remain compliant with all Pretrial Services conditions. He
23 is essentially confined to his home at this time while receiving treatment.

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CONCLUSION

Defendant hereby requests the court to extend his self surrender date from May 3, 2012 to a date in the future, but no earlier then one hundred and twenty (120) days.

DATED this th 23rd day of April, 2012.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

/s/ Raquel Lazo

By _____
RAQUEL LAZO
Assistant Federal Public Defender
Counsel for Isaiah Outlaw

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7 UNITED STATES DISTRICT COURT
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10 UNITED STATES OF AMERICA,
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13 ISAIAH OUTLAW,
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ORDER ON MOTION TO EXTEND
MAY 3, 2012 SELF SURRENDER DATE

16 IT IS HEREBY ORDERED that Defendant, ISAIAH OUTLAW's self surrender date
17 of May 3, 2012, be extended to _ September 4, 2012 before 12:00 noon.

18 DATED this _ 24th day of April, 2012.
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22 DISTRICT COURT JUDGE
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CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Law Offices of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on April 20, 2012, she served an electronic copy of the above and foregoing **MOTION AND ORDER TO EXTEND MAY 3, 2012 SELF SURREND DATE**, by electronic service (ECF) to the person named below:

DANIEL BOGDEN
United States Attorney
NICHOLAS D. DICKINSON
Assistant United States Attorney
333 Las Vegas Blvd. So., 5th Floor
Las Vegas, Nevada 89101

/s/ Karen Brokaw

Employee of the Federal Public Defender